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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kleinschmidt *et al.*

Group Art Unit:

Serial No.:

Examiner:

Filed: September 29, 2000

Attorney Docket No.:

8484-087-999

For: **AAV-DNA HELPER VIRUS  
SEQUENCES**

**DECLARATION OF**  
**PROF. DR. MED. DR. H.C. MULT. ZUR HAUSEN**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Prof. Dr. med. Dr. h.c. mult. zur Hausen, declare and state that:

1. I am chairman and scientific member of the DEUTSCHES KREBSFORSCHUNGSZENTRUM, the assignee of the above-captioned application, and I am authorized to make the statements of this declaration on its behalf.

2. On October 18, 1996 and October 15, 1997, respectively, samples of the plasmids pTG 9585 and pDG were deposited on behalf of DEUTSCHES KREBSFORSCHUNGSZENTRUM with the DSMZ -DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH, Mascheroder Weg 1b, D-38124 Braunschweig (see attachment from DSMZ, dated October 24, 1996 and October 17, 1997, respectively).

3. The deposited samples identified in paragraph 2 have been accorded DSMZ Accession Nos. DSM 11248 and 11817, respectively, and have been accepted for

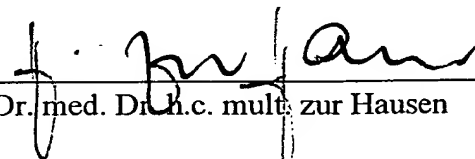
deposit under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms For The Purposes of Patent Procedure (see attachment).

4. In addition to there being no restrictions on the availability, to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. §122, of the deposited cell lines during the pendency of the patent application, any and all restrictions on the availability to the public of the deposited samples referred to in paragraph 2 will be irrevocably removed when a U.S. patent based upon the captioned application is granted.

5. The deposited samples identified in paragraph 2 are of the biological material identified in the application as filed as pTG 9585 and pDG, respectively.

6. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the captioned application or any patent issuing thereon.

Date: October 1st, 2001

  
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Dr. med. Dr. h.c. mult. zur Hausen